vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (L) NO.404 OF 2007
IN
NOTICE OF MOTION NO.1022 OF 2007
IN
SUIT NO.768 OF 2007

United Services Club & Ors ... Appellants

V/s.

Major Sarwan Kumar Lamba & Anr. ... Respondents

Mr.I.M. Chagla with Mr.V.Khansaria and Mr.Ranjit Shetty for Appellants
Mr.H.Jagtiani with Mr.Sumit Patkar for Respondent

CORAM: **D.G. DESHPANDE &**
SMT.NISHITA MHATRE, JJ.

DATED: **JUNE 20, 2007**

P.C.:

. This appeal is filed against the order of the learned Single Judge dated 3.4.2007. It is an ad-interim order in the Notice of Motion No.1022 of 2007 taken out by the plaintiff. We heard both the learned Counsel at length. In our considered opinion, this is a case where parties should be permitted to advance arguments on the merits of the Motion i.e., at the stage of final hearing of the Motion. Therefore, this Appeal is disposed of with a request to the learned Single Judge to hear the Motion finally as early as possible may be within two months. We are not expressing our opinion about the merits of the matter either way.

2. Needless to say that clause 3 of the impugned order speaks for itself. No further clarification is necessary by this Bench.

3. Appeal is disposed of accordingly.

(D.G. DESHPANDE, J.)

(SMT.NISHITA MHATRE, J.)